

## REMARKS

The indication that claims 3, 9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged.

By the present amendment, claims 3, 9 and 15 have been written in independent form incorporating the features of the parent claims therein, which have been canceled, while being amended in a manner which should overcome the rejection of claims under 35 USC 112, second paragraph, as indicated below. Furthermore, other dependent claims have been amended to depend from claims 3, 9 and 15, and applicants submit that such dependent claims should be considered allowable with parent claims 3, 9 and 15. Also, new claims 36 - 39 have been presented which recite further features of the present invention, as will be discussed below, and claims 25 - 35 which stand withdrawn from consideration have been canceled without prejudice to the right to file a divisional application directed thereto.

With regard to the rejection of claims 1 - 6, 10 - 11, 16 - 17 and 21, under 35 USC 112, second paragraph as being indefinite, it is noted that claims 9 and 15 have not been rejected in this manner.

With respect to claim 3, claim 3 has been amended to recite "A portable tool comprising" such that the recited features form part of the portable tool, as claimed, noting that independent claim 9 recites "A combination of a portable tool and a cover" whereas independent claim 15 recites "A combination of portable tool, a cover, and a label". Thus, applicants submit that the scope of the claims is now clearly set forth and independent claims 3, 9 and 15 and the dependent claims should be considered to be in compliance with 35 USC 112, second paragraph, in

relation thereto. As to the Examiner's indication concerning claims 4, 10, 16 and 21, by the present amendment, such claims have been amended to overcome the points noted by the Examiner, and applicants submit that all claims should be considered to be in compliance with 35 USC 112, second paragraph.

With regard to the rejection of claims 1 - 2 and 6 under 35 USC 102(b) as being anticipated by Swierczek (5,024,014); the rejection of claims 1 - 2 and 6 under 35 USC 102(e) as being anticipated by Pia et al (6,615,518); the rejection of claims 1 - 2, 4, 6 - 8, 10, 12 - 14, 16 and 18 - 24 under 35 USC 103(a) as being unpatentable over Anderson (5,025,970) in view of Pia et al (6,615,518); and the rejection of claims 5, 11 and 17 under 35 USC 103(a) as being unpatentable over Anderson (5,025,970) in view of Pia (6,615,518) and further in view of Hiatt; such rejections are considered to be obviated in that objected to claims 3, 9 and 15, have been written in independent form, with the parent claims 1, 7 and 13 being canceled, and the remaining original dependent claims being amended to depend from the objected to claims, where appropriate. Thus, these claims should now be in condition for allowance.

As to newly added claims 36 - 39, the rejections, as set forth, are traversed insofar as they are considered applicable thereto.

With regard to newly added claims 36 - 39, it is noted that new independent claim 36 recites "A portable tool comprising" while reciting the features similar to that recited in independent claims 3, 9 and 15, but of a broader scope. More particularly, claim 36 recites the feature of the portable tool comprising a motive of power section, a mechanical section driven by the motive power section, an outer frame covering at least the motive power section and mechanical section, the outer frame including an alloy section and a resin section connected with the alloy section by means of at

least one screw, and the outer frame having a surface portion on which a label is mountable, and a cover being removably disposed on the outer frame to cover the surface portion and to cover the at least one screw connecting the alloy section with the resin section. Applicants submit that none of Swierczek, Pia et al, Anderson et al and/or Hiatt taken alone or in any combination thereof disclose or teach the recited features of claim 36, and therewith the dependent claims. That is, applicants submit that the cited art does not disclose a portable tool, as claimed, with an outer frame including an alloy section and a resin section connected with the alloy section by means of at least one screw, and a cover removably disposed on the outer frame to cover the at least one screw connecting the alloy section with the resin section as well as other features as set forth. Thus, applicants submit that claim 36 and the dependent claims also patentably distinguish over the cited art and should be considered allowable thereover noting that dependent claims 37 - 39 recite further features of the present invention and should be considered allowable with parent claim 36.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1297.43308X00),  
and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



---

Melvin Kraus  
Registration No. 22,466

MK/jla  
(703) 312-6600